

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,570,150 to Yoneyama et al., (hereinafter “Yoneyama”). Additionally, the Examiner rejects claims 9-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,946,500 to Oles (hereinafter “Oles”). Furthermore, the Examiner rejects claim 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,695,130 to Medina et al., (hereinafter “Medina”). Still further, the Examiner rejects claims 1, 2, 4, 5, 7, and 8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,682 to Osterweil et al., (hereinafter “Osterweil”). Lastly, the Examiner rejects claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Osterweil in view of U.S. Patent No. 2,290,793 to Alderman (hereinafter “Alderman”).

With regard to claims 3-7 and 9-11, the same have been canceled, thereby rendering the rejections thereof moot. With regard to claims 1, 2, and 8, claim 1 has been amended to clarify its distinguishing features and claim 8 has been amended to change its dependency to claim 1 and in light of an antecedent term now recited in claim 1. The amendment to claim 1 is fully supported in the original disclosure, particularly at Figures 7, 9A-9F and 13A-13C of the drawings and the accompanying text of the specification. Therefore, no new matter has been entered into the disclosure by way of the present amendment to claim 1.

Applicants respectfully submit that none of the cited references disclose or suggest anything related to the most appropriate position of the light-emitting module and pattern projection module with regard to a shadow when photographing. The references do not disclose that both the light-emitting module (light source) illuminating the object and the

pattern projection module are provided in a space inner than the two light-receiving modules as is now recited in claim 1.

For example, in Osterweill, the part indicated by reference numeral 136 of Fig. 5 is a pattern generator and does not include a light-emitting module for illuminating an object when photographing. That is, Osterweill and the remaining references cited by the Examiner do not teach providing a light-emitting module between the light-receiving modules.

On the other hand, in the invention of the present application, both the light-emitting module for illuminating and the pattern projection module for pattern projection are provided in a space inner than the light-receiving modules, resulting in a shadow being formed in an occlusion region only. Thus, it is possible to obtain a high-quality parallax image without unnecessarily losing data.

As evident from the above, the references cited by the Examiner do not disclose or suggest "a shadow when photographing a parallax image" which is an objective of the present invention. The references also do not disclose providing the light-emitting module for illuminating and the pattern projection module for pattern projection in a space inner than the light-receiving modules, which is directed to the above objective.

With regard to the rejection of claims 1, 2, 4, 5, and 7-11 under 35 U.S.C. §§ 102(b) and 102(e), a stereo adapter having the features discussed above and as recited in amended independent claim 1, is nowhere disclosed in either Yoneyama, Oles, Medina, and Osterweil. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by either Yoneyama, Oles, Medina, or

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

Osterweil. Accordingly, independent claim 1 patentably distinguishes over each of Yoneyama, Oles, Medina, and Osterweil and are allowable. Claims 2 and 8 being dependent upon claim 1 are thus allowable therewith, claims 3, 4, 5, 7, and 9-11 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 4, 5, and 7-11 under 35 U.S.C. §§ 102(b) and 102(e).

With regard to the rejections of claims 3 and 6 under 35 U.S.C. § 103(a), the same have been canceled, thereby rendering the rejections thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 3 and 6 under 35 U.S.C. § 103(a).

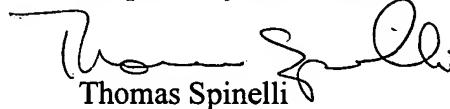
Lastly, new claims 12-18 have been amended to further define the patentable invention. New claims 12-18 are fully supported in the original disclosure. Claim 12 is particularly supported in the drawings at Figures 4A, 4B, 5A, and 5B and the accompanying description of the specification; Claims 13-15 are particularly supported in the drawings at Figures 7 and 9B and the accompanying description of the specification; Claim 16 is particularly supported in the drawings at Figure 7 and the accompanying description of the specification; and claims 17 and 18 are particularly supported in the drawings at Figures 8A and 8B and the accompanying description of the specification. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 12-18.

Applicants respectfully submit that new claims 12-18 are at least allowable as depending from an allowable base claim.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", written over the printed name.

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:cm